

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Applicant notes with appreciation the indication of allowable subject matter within Claims 8, 9, 12 and 18.

Claims 1–18 were rejected under 35 U.S.C. § 112, second paragraph. In particular, Claims 1, 15 and 16 were rejected as being indefinite, while Claim 5 was rejected as lacking antecedent basis for the element “the case.” In response, Claims 1, 5, 15 and 16 have been amended accordingly. Applicant respectfully submits that the § 112 rejections have been overcome.

Claims 1–6, 10, 11 and 13–15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brady (US 6,540,754), while Claims 1–7, 10 and 11 were rejected as being anticipated by Cumming '275 (US 6,503,275) as well as Cumming '708 (US 6,497,708). Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brady in view of Cumming '275. As explained in detail below, without acceding to the rejections under § 102, Claims 4 and 8 have been canceled and Claims 19, 20 and 21 have been added. Thus, Claims 1–3, 5–7, and 9–21 are pending.

Claim Amendments

Claim 1 has been amended to incorporate the features recited by allowed Claim 8.

Claims 1–3, 5–7 and 9–18 have been amended for editorial reasons not related to patentability, i.e., to remove reference characters and to correct dependencies.

Claims 10 and 13 have been rewritten in independent form and recite subject matter similar to Claim 1. Claim 10 includes an additional feature, i.e., “said case being rigid relative to the base body.” Support for this feature may be found within FIG. 2a, where the resting surface 4 lies free and is ready to receive the lens. Claim 13 also includes an additional feature, i.e., “wherein the sliding element is slidably held on said first wing.” Support for this feature may be found within FIGS. 3a to 3e. No new matter has been added.

Claims 19, 20 and 21 have been added. Claim 19 recites subject matter similar to Claim 1, and includes an additional feature, i.e., “the resting surface is arranged on the sliding

element.” Support for this feature may be found within FIGS. 1a to 1e, as well as the last paragraph on Page 4 of the Specification. Claim 20 is directed to a method that recites subject matter similar to Claims 1 and 13. Claim 21 recites a single-piece case, as evident from FIGS. 1a to 1e. No new matter has been added.

Claims 1–3, 5–7, 9 and 12 Are Allowable Over the Cited References

Amended Claim 1 corresponds to allowed Claim 8 rewritten in independent form. Thus, Claim 1 is allowable. Claims 2, 3, 5–7, 9 and 12, depending from Claim 1, are also allowable. Applicant notes that Claims 9 and 12 independently contain allowable subject matter.

Claims 10, 11 and 21 Are Allowable Over the Cited References

Brady fails to disclose a case for holding the sliding element that is rigid relative to the base body, as recited by Claim 10. Rather, if Brady's wings are understood as forming a case, at least one half of the case is flexible and can swivel. Furthermore, in Brady, it would not be possible to provide a rigid case without losing the functionality of the device, since in Brady the lens must be inserted when the wings are open. Therefore, Brady fails to teach or suggest all of the features recited by Claim 10. Cumming '708 and Cumming '275 fail to disclose a case. However, these references teach that the lens must be inserted through the same slot through which the ram or sliding element is pushed in afterwards. Therefore, these references fail to disclose a resting surface that lies free when the lens is placed on this surface. A resting surface that lies free, as recited by Claim 10, provides the advantage that the lens can be visually inspected before being folded or rolled.

Claims 13 to 18 Are Allowable Over the Cited References

Brady fails to disclose a sliding element that is slidably held on one of the wings, as recited by Claim 13. Instead, Brady teaches that the folding member or sliding element 52 is a separate element that is not connected to either of the wings. *See, e.g., FIG. 3.* Advantageously, by slidably holding the sliding element on one of the wings, as recited by Claim 13, the sliding element is less easily lost, and a better guidance for the sliding element is provided during the operation of folding or rolling the lens.

Claim 19 is Allowable Over the Cited References

None of the cited references teaches or suggests a resting surface for the lens that is arranged on the sliding element, as recited by Claim 19.

Claim 20 is Allowable Over the Cited References

The Office Action alleges that Brady's IOL could also be placed on a flat surface of one of the wings. However, there is no explicit teaching or suggestion to do so in Brady. Therefore, the method recited by Claim 20, in which the lens is placed onto one of the wings and then pushed in, is novel and non-obvious over Brady.

In view of the amendments and remarks presented herein, Applicant respectfully submits that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

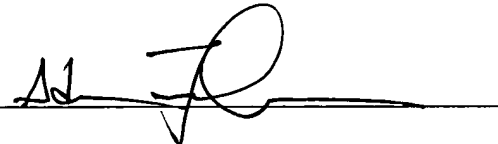
Respectfully submitted,

July 20, 2006

1425 K Street, N.W., Suite 800
Washington, D.C. 20005
(202) 783-6040 (voice)
(202) 783-6031 (fax)

#1342384_1

By: _____



Adam M. Treiber
Reg. No. 48,000